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BEFORE THE ARIZONA CORPORATION COMMISSION  
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BOB STUMP - Chairman  
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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

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DOCKET NO. RR-03639A-14-0385

ORIGINAL

PROCEDURAL ORDER  
(Schedules Hearing)

IN THE MATTER OF THE APPLICATION OF  
THE ARIZONA DEPARTMENT OF  
TRANSPORTATION TO UPGRADE AN  
EXISTING CROSSING OF THE UNION PACIFIC  
RAILROAD COMPANY AT 15<sup>TH</sup> AVENUE IN  
THE CITY OF PHOENIX, MARICOPA COUNTY,  
ARIZONA, AAR/DOT NO. 741-459D.

**BY THE COMMISSION:**

On November 5, 2014, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad Company ("Railroad") to upgrade an existing crossing at 15<sup>th</sup> Avenue in the City of Phoenix ("City"), Maricopa County, Arizona, AAR/DOT No. 741-459D.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request of the Arizona Department of Transportation shall be considered an application for the Railroad to upgrade an existing crossing pursuant to A.R.S. §§ 40-337, *et seq.*

IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

IT IS FURTHER ORDERED that the **hearing** on the application shall be held on **February 24, 2015, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona.

IT IS FURTHER ORDERED that within ten business days of receipt of this Procedural Order, **THE ARIZONA DEPARTMENT OF TRANSPORTATION SHALL PROVIDE THE**

1 **RAILROAD AND ANY MUNICIPALITY OR INTERESTED PARTY** that may be affected by  
2 the application with a copy of the application and this Procedural Order by certified mail.

3 IT IS FURTHER ORDERED that the Commission's Safety Division, Railroad Safety Section  
4 ("Staff") shall prepare a written **Staff Report and associated exhibits** to be presented at hearing and  
5 file copies of them with Docket Control on or before 4:00 p.m. on **February 5, 2015**.

6 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**  
7 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on  
8 **February 17, 2015**.

9 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
10 105, except that all motions to intervene must be filed on **January 28, 2015**.

11 IT IS FURTHER ORDERED that the **Arizona Department of Transportation** shall provide  
12 **public notice** of the hearing in this matter, in the following form and style:

13 **IN THE MATTER OF THE APPLICATION OF THE ARIZONA**  
14 **DEPARTMENT OF TRANSPORTATION TO UPGRADE AN**  
15 **EXISTING CROSSING OF THE UNION PACIFIC RAILROAD**  
16 **COMPANY AT 15<sup>TH</sup> AVENUE IN THE CITY OF PHOENIX,**  
**MARICOPA COUNTY, ARIZONA, AAR/DOT NO. 741-459D**  
**(DOCKET NO. RR-03639A-14-0385)**

17 On November 5, 2014, the Arizona Department of Transportation ("Applicant")  
18 filed with the Arizona Corporation Commission ("Commission") an application  
19 for approval for the Union Pacific Railroad Company to upgrade an existing  
crossing at 15<sup>th</sup> Avenue in the City of Phoenix, Maricopa County, Arizona,  
AAR/DOT No. 741-459D.

20 The application is available for inspection during regular business hours at the  
21 Commission's offices, 1200 West Washington Street, Phoenix, Arizona, and on the  
internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

22 The Commission will hold a hearing on this matter commencing on February 24,  
23 2015, at 10:00 a.m., at the Commission's offices, 1200 West Washington Street,  
Hearing Room No. 1, Phoenix, Arizona. Public comments will be taken on the first  
day of the hearing.

24 The law provides for an open public hearing at which, under appropriate  
25 circumstances, interested parties may intervene. Intervention shall be permitted to  
26 any person entitled by law to intervene and having a direct and substantial interest in  
the matter. Persons desiring to intervene must file a written motion to intervene with  
27 the Commission, which motion should be sent to Applicant or its counsel and to all  
parties of record, and which, at the minimum, shall contain the following:  
28

- 1        1.     The name, address, and telephone number of the proposed intervener and of  
2        any party upon whom service of documents is to be made if different than the  
3        intervener.
- 4        2.     A short statement of the proposed intervener's interest in the proceeding (e.g.,  
5        a customer of Railroad, a neighboring property owner, a crossing user, etc.).
- 6        3.     A statement certifying that a copy of the motion to intervene has been mailed  
7        to the Applicant or its counsel and to all parties of record in the case.

8        The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
9        that all motions to intervene must be filed on or before January 28, 2015. The  
10       granting of intervention, among other things, entitles a party to present sworn  
11       evidence at hearing and to cross-examine other witnesses. However, failure to  
12       intervene will not preclude any interested party from appearing at the hearing and  
13       making a statement on such person's own behalf.

14       If you have any questions about this application, you may contact the Applicant at  
15       [insert telephone number]. If you wish to file written comments on the application  
16       or want further information on intervention, you may write the Consumer Services  
17       Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, call  
18       602-542-4251 or 1-800-222-7000, or appear at the hearing and make comment.

19       The Commission does not discriminate on the basis of disability in admission to its  
20       public meetings. Persons with a disability may request a reasonable accommodation  
21       such as a sign language interpreter, as well as request this document in an  
22       alternative format, by contacting Shaylin Bernal, ADA Coordinator, voice phone  
23       number 602-542-3931, e-mail SABernal@azcc.gov. Requests should be made as  
24       early as possible to allow time to arrange the accommodation.

25       IT IS FURTHER ORDERED that the Arizona Department of Transportation shall cause the  
26       above notice to be published at least once in a newspaper of general circulation in the city/county  
27       where the crossing is located, with **publication to be completed no later than January 14, 2015**.

28       IT IS FURTHER ORDERED that notice shall be deemed complete upon the  
mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive  
the notice.

IT IS FURTHER ORDERED that **THE ARIZONA DEPARTMENT OF  
TRANSPORTATION SHALL FILE CERTIFICATION OF NOTICE WITH THE  
COMMISSION'S DOCKET CONTROL AS SOON AS PRACTICABLE** after the  
mailing/publication of notice ordered herein has been completed.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
Communications) applies to this proceeding as the matter is now set for public hearing.

...

IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge.

IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 9<sup>th</sup> day of December, 2014.



SCOTT M. HESLA  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 9<sup>th</sup> day of December, 2014 to:

Alex Popovici, Manager  
Industry & Public Projects  
UNION PACIFIC RAILROAD COMPANY  
631 South 7<sup>th</sup> Street  
Phoenix, AZ 85034-2203

Daniel L. Brown  
CITY OF PHOENIX  
1034 E. Madison St.  
Phoenix, AZ 85034

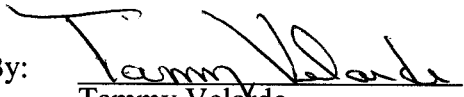
W. Reed Campbell  
BEAUGUREAU, ZUKOWSKI  
& HANCOCK, P.C.  
302 East Coronado  
Phoenix, AZ 85004  
Attorneys for Union Pacific Railroad Company

Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

Jason Pike  
Railroad and Utility Coordinator  
ARIZONA DEPARTMENT OF  
TRANSPORTATION  
205 S. 17<sup>th</sup> Avenue, Room 357 MD 618E  
Phoenix, AZ 85007

Brian Lehman, Chief  
Railroad Safety Section of the Safety Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

1 COASH & COASH, INC.  
2 Court Reporting, Video and Videoconferencing  
3 1802 North 7<sup>th</sup> Street  
4 Phoenix, AZ 85006

5 By:   
6 Tammy Velarde  
7 Assistant to Scott M. Hesla  
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